

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARBIN RODRIGUEZ, Plaintiff,

-AGAINST-

The County of NASSAU,
The Police Commissioner for
NASSAU COUNTY 5TH Precinct,
Detective DIANA Kelly #8473
SGT. Gubba #8580
Police Officers NORDQUIST #9445
PO LEEB #9554, PO MCGOWAN #9956
PO DIGIAM BATTISTA #9636
PO GROGAN #9854 and John
Doe Police Officers, #1115

IN their Individual and Official
CAPACITY EACH AND EVERY ONE OF
THE DEFENDANTS

Defendants.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 02 2018 ★

LONG ISLAND OFFICE

CIVIL Right COMPLAINT

JURY TRIAL DEMAND

CV-18-3845

AZRACK, J.

LINDSAY, M.J.

RECEIVED

JUL 02 2018

EDNY PRO SE OFFICE

PRELIMINARY STATEMENTS

On June 10, 2017 in the County of Nassau, STATE OF NEW YORK, TOWN OF ELMONT DEFENDANTS ACTING TOGETHER violated Plaintiff's RIGHTS CAUSING Plaintiff and others serious Mental and Physical INJURIES when they used Physical Force and the threat of deadly Force. The defendants conduct demonstrated total disregard to Life, Property and Family relationship when they with Guns drawn and pointing at everyone, Kicking, Punching, STRIKING and using Language that can only indicate hatred and behavior toward Plaintiff that was discriminatory. Pursuant to Title 42 U.S.C. Section 1983, 1981, 1985, 1986 defendant's actions, conduct and behavior harmed Plaintiff, under the Color of LAW.

JURISDICTION

1. This Court have Jurisdiction Pursuant to title 28 U.S.C. sections 1342 and 1343
2. This Court have Pendant Jurisdiction of all STATE CLAIMS raised herein this Complaint and Plaintiff invoke this Courts Jurisdiction for such Review.

PARTIES

3. Plaintiff at all times mentioned was a resident at 100 Rockmart Avenue, in the TOWN OF ELMONT, County of NASSAU, STATE OF NEW YORK.
4. Defendant the County of Nassau is a Municipality incorporated under the Laws, Policies and Regulations of the STATE OF NEW YORK.
5. Defendant's Police DEPARTMENT are employed by the County of Nassau and maintain their office of employ within the County of Nassau.
6. Defendants herein named as Police Officer, Sergeant and detectives are employed at the Nassau County Police DEPARTMENT 5th Precinct at all times on June 10, 2017
7. All defendants are being sued in their Official and individual CAPACITY under the Law of Color.
8. All John Doe Defendants are employed BY the 5th Police Precinct for the County of Nassau, in the State of New York, And are also being sued in their Official and individual CAPACITY.
9. There are other individuals that was INJURED by the defendants invasion of the residence at 100 Rockmart Avenue, in the TOWN of Elmont, County of NASSAU, STATE OF NEW YORK on June 10, 2017.

STATEMENT OF FACTS

10. On or about June 10th, 2017 at or about 3:50 A.M. the defendants Police Officers threaten the use of deadly ^{FORCE} toward MARION F. Galeano, the owner of the residence at 100 ROCKMAET Avenue, Elmont, New York 11003

11. Defendants with Guns drawn and pointed at the owner demanding that he open the door with his hands up.

12. The door was opened for defendants and as soon as they entered the residents they knock Mr. Galeano to the ground and directed him to stay on his knees with his hands on top of his head.

13. Defendants went up stairs and entered each room with Guns drawn and pulling out Mr. Galeano's wife and two daughters from rooms up stairs to down stairs making them kneel with hands on top of their heads.

14. Defendants when up stairs entered Plaintiff's room with Guns drawn attacking him to the floor from the bed and pulling him down the stairs making Plaintiff kneel with hands on top of head.

15. Plaintiff receives injuries to his Neck, back, both Arms ankle and head when defendants kicked him, stepping on his ankle and pulling him down the stairs.

16. Defendants went down the stairs into the basement and assaulted the person there. Pulling him up the stairs and forcing him to kneel with hands on top of head.

17. Defendants forced all persons out the house

18. Defendants did not have a warrant to enter or to search the persons and property at 100 Rockmaet Avenue, Elmont, New York, County of Nassau.

19. Defendants did not have consent to search the house and rooms located at 100 Rockmart Avenue, Elmont, New York 11003.

20. The defendants under the color of Law have used their official CAPACITY to fraudently file false documents and papers to authorize their conduct when they seized the persons, property and rights of all residents on June 10th 2017, at or about 3:30 AM, at 100 Rockmart Ave. Elmont, N.Y. 11003.

21. Plaintiff believe defendants acts, conduct and behavior was predicated upon undercover investigation and operation by agents, employees and/or informants for IMMIGRATION CUSTOMS ENFORCEMENT BUREAU.

22. Plaintiff do not have a criminal record and do not have any law enforcement contact.

FIRST CAUSE OF ACTION

23. Plaintiff re-peat and alleges Paragraphs 1-22 and the following.

24. On June 10, 2017 at 100 Rockmart Avenue, Elmont, New York 11003 defendants DIGIAM BATTISTA, Nordquist, Grogan and other John Doe Police officers without provocation assaulted Plaintiff while inside a UP STAIRS Room at the above location

25. The defendants failed to provide medical treatment to the Plaintiff.

26. Defendants did not have a warrant to enter my Room.

27. Plaintiff did not consent to defendants unlawfull enter into his Room OR TO search his Room.

SECOND CAUSE OF ACTION

28. Plaintiff re-peat and alleges Paragraphes 1-27 and the following.

29. Defendant Kelly, used Fabricated information to Search the house at 100 Rockmart Avenue, Elmont NY on June 10, 2017.

30. Defendant Kelly, used False information to search Plaintiff Room.

31. Defendant Kelly, with other defendant's manufactured a Nassau County Police Department document knowing the content of said document was not true used the document to violate Plaintiff's Constitutional Rights under Federal and STATE Protections.

THIRD CAUSE OF ACTION

32. Plaintiff re-peat and alleges Paragraphes 1-31 and the following.

33. Defendant Gubba used his official capacity to use false information and knowing the information to be false falsified a Police Document for the County Nassau Police Department.

34. Defendant Gubba knowing the defendant Police assaulted several people including the Plaintiff inside the residence at 100 Rockmart Ave, Elmont, NY on June 10, 2017, failed to do a duty enjoined upon him to ~~do~~ on behalf of the injured persons.

35. Defendant Gubba has used his official and individual capacity to cover up Police misconduct and to further violate Plaintiff's Rights under the STATE and Federal Constitution.

FOURTH CAUSE OF ACTION

36. Plaintiff re-alleges and alleges Paragraphs 1-35 and the following.

37. The County of Nassau have failed to incorporate provisions to encounter Rogue Police from displaying discriminatory acts, conduct and behavior towards people subjected to their official investigations from false reporting.

38. The County of Nassau have allowed their Police Department at the 5th Precinct to utilize unwritten policies and regulations that target immigrants without documentations to be falsely accused of crimes without Probable or Reasonable Cause.

39. The County of Nassau employment of a Police Commissioner have not regulated written policies and procedures to assure immigrants Procedural Process by Police officers are not Fabricated and/or Falsely manufactured for Police Promotions in violation of Equal Protection Laws and Due Process afforded to all citizens in the United States.

FIFTH CAUSE OF ACTION

40. Plaintiff re-alleges and alleges Paragraphs 1-39 and the following.

41. Defendants, together have conspired to cover-up negligence and assaultive acts, conduct and behavior that has caused serious harm to Plaintiff and the family of the home where he resided on June 10, 2017 by mental and physical harm and Bodily Injuries.

42. Defendants disregarded their official obligations when they failed to make available medical treatment.


43. Defendants fail to Rebut the Physical damage

and property damages caused by their illegal search and seizure of Plaintiff, Property and others residing at 100 Rockmart Avenue, Elmont, NY,

WHEREFORE, Plaintiff seek relief by order and decisions Granting Compensatorial damages in the Amount at \$100,000.00 for each defendant and Punitive damages in the Amount at \$250,000.00 against The County of Nassau, The Police Commissioner, Sergeant Gubba and Detective Kelly each and separately in their official and individual capacity. Plaintiff further seek nominal damages for his damage and lost Property. Plaintiff seek a Declaratorial Judgment that defendants violated his Rights under the Federal and STATE Constitution and for such other and further relief this Court may deem Just and Proper.

I declare under Penalties of Perjury the foregoing is true and correct.

Dated: June 26th 2018


MARBIN RODRIGUEZ
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